

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

KAY X. YANG, XAPPHIRE LLC, and
CHAO YANG,

Defendants.

Case No. 22-CV-450-JPS

ORDER

On December 19, 2022, the Court ordered, among other things, that Plaintiff Securities and Exchange Commission (the “SEC”) file its application for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) on or before January 27, 2023. On January 6, 2023, the SEC filed a motion for an extension of that deadline until March 13, 2023. ECF No. 41. The SEC represents that it requests the extension because “in order to file a motion seeking specific amounts of disgorgement and civil penalties, the SEC’s counsel is required to circulate a proposal within the SEC for review and comment, and then submit the proposal to the SEC’s Commissioners for their consideration and approval.” *Id.* at 1. The SEC explains that it has begun this process, but that completion will take “several additional weeks beyond the January 27, 2023 deadline established by the Court.” *Id.* at 2. The SEC contacted Defendants regarding the extension request on December 30, 2022, and Defendants have not objected to the request. *Id.*

Upon consideration of the motion, the Court will grant it. The SEC's application for default judgment pursuant to Rule 55(b)(2) will be due on or before **March 13, 2023**. Pursuant to Civil Local Rule 7(b), Defendants' response will be due within **twenty-one days** of the filing of the motion, or by **April 3, 2023**; and pursuant to Civil Local Rule 7(c), the SEC's reply brief will be due within **fourteen days** of Defendants' response. The Court reminds the parties to consider the factors and issues raised by the Court in its December 19, 2022 order, ECF No. 40 at 1, in their briefing.

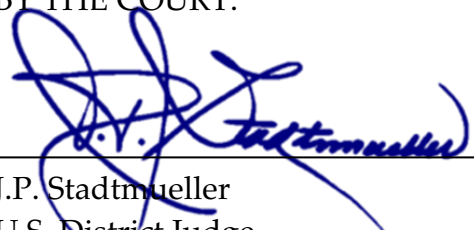
Accordingly,

IT IS ORDERED that Plaintiff Securities and Exchange Commission's motion for an extension of time, ECF No. 41, be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Plaintiff Securities and Exchange Commission file its application for default judgment pursuant to Rule 55(b)(2) on or before **March 13, 2023**; pursuant to Civil Local Rule 7(b), Defendants Kay X. Yang, Chao Yang, and Xapphire LLC's response will be due within **twenty-one days** of the filing of the motion, or by **April 3, 2023**; and pursuant to Civil Local Rule 7(c), Plaintiff Securities and Exchange Commission may file a reply brief within **fourteen days** of Defendants Kay X. Yang, Chao Yang, and Xapphire LLC's response.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2023.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge